

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

FRANK CARBONE, ANDREW CORZO,  
SAVANNAH ROSE EKLUND, SIA  
HENRY, ALEXANDER LEO-GUERRA,  
MICHAEL MAERLANDER, BRANDON  
PIYEVSKY, KARA SAFFRIN, and  
BRITTANY TATIANA WEAVER,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA  
INSTITUTE OF TECHNOLOGY,  
UNIVERSITY OF CHICAGO, THE  
TRUSTEES OF COLUMBIA UNIVERSITY  
IN THE CITY OF NEW YORK, CORNELL  
UNIVERSITY, TRUSTEES OF  
DARTMOUTH COLLEGE, DUKE  
UNIVERSITY, EMORY UNIVERSITY,  
GEORGETOWN UNIVERSITY, THE  
JOHNS HOPKINS UNIVERSITY,  
MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY, NORTHWESTERN  
UNIVERSITY, UNIVERSITY OF NOTRE  
DAME DU LAC, THE TRUSTEES OF THE  
UNIVERSITY OF PENNSYLVANIA,  
WILLIAM MARSH RICE UNIVERSITY,  
VANDERBILT UNIVERSITY, and YALE  
UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Judge Kennelly

**MOTION FOR LEAVE TO PARTICIPATE**  
**AT ORAL ARGUMENT ON AUGUST 2**

The United States of America, by its undersigned attorneys, moves to participate in the oral argument on Defendants' motions to dismiss scheduled for August 2, 2022, and in support states as follows:

1. On April 20, 2022, this Court set a hearing for August 2, 2022 to hear oral argument on Defendants' motions to dismiss. ECF No. 153.

2. On July 7, 2022, the United States requested leave to submit a Statement of Interest pursuant to 28 U.S.C. § 517. This Court granted leave on July 8, 2022 and the United States thereafter submitted its Statement of Interest. ECF No 171.

3. The United States now requests leave to participate in the oral argument on Defendants' motions to dismiss scheduled for August 2, 2022 because it has a strong interest in this case, in particular the proper application of the "568 Exemption," 15 U.S.C. § 1 note; Improving America's Schools Act of 1994, Pub. L. No. 103-382, title V, § 568, 108 Stat. 3518, 4060 (1994), and the per se rule.

4. The United States also believes its participation at the oral argument, in whatever form and extent the Court deems appropriate, will assist the Court in adjudicating the pending motions to dismiss. If the Court desires, the United States will also attend the telephonic status hearing on July 25, 2022. ECF No. 169.

5. Counsel for Plaintiffs have informed the United States that they do not oppose the request for leave. Counsel for Defendants have informed the United States that they take no position with respect to the request.

WHEREFORE the United States hereby requests leave to participate at the August 2, 2022 oral argument set in this matter.

Respectfully submitted,

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*Principal Deputy Assistant Attorney General*

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*Attorney Advisor to the Assistant Attorney General*

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Dated: July 14, 2022

s/ Eric D. Dunn  
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Attorneys for the United States of America

**CERTIFICATE OF SERVICE**

I hereby certify that on July 14, 2022, I electronically filed the foregoing brief by using the CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

/s/ Eric D. Dunn

ERIC D. DUNN